

REMARKS/ARGUMENTS

Claims 1-8 and 18-20 are active. Claim 1 has been amended to incorporate the limitations of prior dependent claims 11 and 17. Claims 9-17 have been cancelled as redundant in view of the amendment of claim 1. No new matter has been introduced. Favorable consideration of this response and allowance of this application is now respectfully requested.

Interview Summary Record

The Applicants thank Examiner Stulii and Examiner Terazano for the courteous and helpful interview on June 15, 2011. The prior art was reviewed and the Applicants believe agreement was reached that Boni, et al. provided no specific motivation for selection green pea protein instead of some other kind of protein and that the Applicants had already provided comparisons to soybean showing the superiority of foaming produced by using green pea protein instead of soy protein. The Examiners were concerned with the scope of claim 1 and advised incorporating the limitations of claims 11 and 17 into it to make it commensurate in scope with the experimental data and to specifically describe foaming properties. If a broader scope were desired, the Applicants were encouraged to file comparative data showing the superior foaming properties provided by other kinds of pea proteins.

Rejection -- 35 U.S.C. § 103(a)

Claims 1, 5, 9, 10 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hsu, U.S. Patent No. 5,387,425, in view of Boni, et al., EP 962522. This rejection cannot be maintained in view of the amendment of claim 1 to include the limitations of claims 11 and 17. None of the prior art provides any motivation for selecting green pea

protein of *Pisum Sativum* as now required by the claims and the Applicants have demonstrated the superior foaming properties attained by making such a selection instead of selecting some other kind of protein such as soybean protein. Therefore, this rejection cannot be sustained.

Rejection -- 35 U.S.C. §103(a)

Claims 2-4, 6-8, 11-16 and 18-20 were rejected under 35 U.S.C 103(a) as being unpatentable over Oono, WO 2004/000990 (English translation: U.S. 2005/0220935), in view of Boni, et al., EP 962522. None of the prior art provides any motivation for selecting green pea protein of *Pisum Sativum* as now required by the claims and the Applicants have demonstrated the superior foaming properties attained by making such a selection instead of selecting some other kind of protein such as soybean protein. Therefore, this rejection cannot be sustained.

Rejection -- 35 U.S.C. §103(a)

Claims 2-4, 6-8, 11-16 and 18-20 were rejected under 35 U.S.C 103(a) as being unpatentable over Bavisotto, et al., U.S. 3,720,517, in view of Boni, EP 962522. This rejection cannot be sustained because neither Bavisotto or Boni suggests selectively incorporating green pea protein of *Pisum Sativum* to enhance foaming properties nor any expectation that such a selection would attain the superior foaming properties demonstrated by the inventors. Consequently, this rejection cannot be sustained.

Conclusion

In view of the amendments and remarks above, the Applicants respectfully submit that this application is now in condition for allowance. An early notice to that effect is earnestly solicited.

Respectfully submitted,

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